

NORWOOD PROPOSED CHARTER 1913

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1913

PROPOSED CHARTER
FOR THE
CITY OF NORWOOD
HAMILTON COUNTY, OHIO

PREPARED BY
THE CHARTER COMMISSION

TO BE VOTED ON
ELECTION DAY
TUESDAY, AUGUST 19, 1913
BETWEEN THE HOURS OF 5:30 A. M. AND 5:30 P. M.



Read carefully and keep this copy

JS 1247.2

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1913

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Statement of the Charter Commissioners.

To the Electors of the City of Norwood:

On the fifteenth day of April, 1913, the people of this city at an election called for the purpose of ascertaining whether a change was desired in the form and procedure of their government and to take advantage of the home rule provisions of the state constitution, decided, by a majority vote, that a commission be chosen to frame a charter. Fifteen commissioners were elected at the same time by the voters. In accordance with the popular will as recorded, the commissioners met and have prepared a charter. In the preparation of this charter the commissioners sought information and suggestions from every source. They have diligently studied the charters of all systems of city government in the United States. Public hearings were held, and a general invitation was extended to the citizenship to express their views on this important question of self-government.

After mature deliberation, taking into consideration the wants and desires of its citizens for a representative government based on sound principles and responsive to the popular will at all times, the Charter Commissioners chose the commission plan of city government administered by three city commissioners as best suited for Norwood.

We submit herewith the following outline of the more important provisions of the proposed charter:

Nominations and Elections.

(a) Party primaries are eliminated. All candidates will be nominated by petition only.

(b) No party designation will appear on the ballots.

(c) The preferential system of voting has been recommended. By this system the voter expresses his first, second and third choices. This system is easily understood and no confusion has resulted in its use in municipal elections. Every candidate stands upon his merit. The preferential system of voting has been included in the proposed charters for Cleveland, Youngstown and Salem.

Short Ballot.

The short ballot has been included. Only three officers are elected. At one regular municipal election one official is elected; at the following regular municipal election two officials are elected.

- (c) Responsibility is definitely fixed on administrative officers.
- (d) An adequate accounting system is established.
- (e) The rights of the city, in matters relating to franchises and utilities are carefully guarded. The right to regulate existing utilities is guaranteed.
- (f) The merit system in appointments to public office has been included, and a permanent and expert service is assured.
- (g) Full publicity of official records is provided.
- (h) The charter may be easily amended.

The members of the commission are unanimous in the belief that this charter, if adopted, will prove to be a thoroughly workable instrument and one which will furnish Norwood with a far better form of government than that under which the city is now operating.

The voters of the city must choose between the two alternatives, either to accept this charter or continue to be governed by the municipal code framed and adopted by the General Assembly at Columbus and made to meet the needs of every city in the state without any reference to the peculiar needs of any one of them. Experience with uniform legislation from the state capitol, framed by persons who are totally unacquainted with the needs of the city, should convince the voters that relief from this constant interference by the legislature will be found only in the adoption of a charter framed by a commission chosen by the electors of the city.

We, the undersigned members of the Charter Commission of the City of Norwood, have prepared and hereby propose the following as a charter for the City of Norwood this thirtieth day of June, A. D. 1913:

NORWOOD CHARTER COMMISSION.

W. B. WILSON, President.

T. NEWTON JONES, Vice-President.

W. B. JONES, Clerk.

PETER BIEDINGER,
THEODORE BRUCKNER,
FRANK E. BURNETT,
GEORGE CLARK,
HECTOR J. HOLMES,
WM. H. MORGAN,

E. WM. OESPER, JR.,
GERRIT J. RAIDT,
ALBERT RICHARDS,
RICHARD C. SMITH,
EDWARD B. SWARTZ,
ARTHUR L. WOLF.

PREAMBLE.

WE, the people of the City of Norwood, in order to secure and exercise the powers of local self-government, do ordain and establish this Charter, under the authority of the Constitution of the State of Ohio.

The Charter of the City of Norwood.

SECTION 1. *Powers of City.*—The inhabitants of the City of Norwood, as its limits now are, or may hereafter be, shall be a body politic and corporate by name The City of Norwood, and as such shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property in fee simple or lesser interest or estate by purchase, gift, devise, appropriation, lease, or lease with privilege to purchase, for any municipal purpose; may sell, lease, hold, manage, and control such property, and make any and all rules and regulations by ordinance or resolution which may be required to carry out fully all the provisions of any conveyance, deed, or will, in relation to any gift or bequest, or the provisions of any lease by which it may acquire property; may acquire, construct, own, lease and operate and regulate public utilities; may assess, levy, and collect taxes for general and special purposes on all the subjects or objects which the city may lawfully tax; may borrow money on the faith and credit of the city by the issue or sale of bonds or notes of the city; may appropriate the money of the city for all purposes connected with the general welfare of the city; may create, provide for, construct, regulate and maintain all things of the nature of public works and improvements; may levy and collect assessments for local improvements; may define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city and all nuisances and causes thereof; may regulate the construction and the material used in all buildings, and the maintenance and occupancy thereof; may regulate and control the use, for whatever purposes, of the streets and other public places; may create, establish, abolish and organize offices and fix the salaries and compensation of all officers and employes; may make and enforce local police, sanitary and other regulations; and may pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the city, and for the performance of the functions

thereof. The city shall have all powers that now are, or may hereafter be granted to municipalities by the constitution or laws of Ohio; and all such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this charter, or when not prescribed herein, in such manner as shall be provided by ordinance or resolution of the Council.

SECTION 2. The enumeration of particular powers in this charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the city shall have, and may exercise all other powers which under the constitution and laws of Ohio, it would be competent for this charter specifically to enumerate.

Nominations and Elections.

SECTION 3. *Nomination by Petition.*—Candidates for all elective offices provided for in this charter shall be nominated by petition as provided herein, and not otherwise. The nomination petition for each candidate shall be signed by not less than two per cent of the registered electors of the municipality. Each signer shall sign his name in ink or indelible pencil, and shall also write thereafter the place of his residence by street and number and the date of his signing. The nomination petition shall consist of separate nomination papers of uniform size, without party mark, emblem or designation. To each nomination paper there shall be attached an affidavit of the circulator thereof, stating that he circulated such nomination paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be.

Each nomination paper shall be in substantially the following form:

Petition for the nomination of.....

for the office of.....

We, the undersigned qualified electors of the city of Norwood, Hamilton County, Ohio, do hereby join in a petition for the nomination of, who resides at No. Street, in the said city of Norwood, as a candidate for the office of We also certify that we have not signed any other petition presenting any other candidate for the said office.

Name..... Street and No. Date.....

[Space for signatures.]

HAMILTON COUNTY, }
STATE OF OHIO, } ss.

....., being duly sworn, deposes and says that he circulated the foregoing nominating paper, and that the signatures appended thereto were made in his presence and are the signatures of the persons whose names they purport to be.

Signed.....

Subscribed and sworn to before me this day of, 19...

....., Notary Public.

SECTION 4. All nomination papers comprising the nomination petition shall be assembled and filed with the election authorities, as one instrument, not later than thirty days before the day of election with respect to which such petition is filed.

SECTION 5. Any candidate nominated as herein provided shall file his acceptance of such nomination not later than thirty days before the day of election, and in the absence of such acceptance the name of the candidate shall not appear upon the ballot.

SECTION 6. *Form of Ballots.*—The ballots used in all elections provided for in this charter shall be without party marks, emblems or designations. The ballots used for the elections shall contain a complete list of the offices and the names of all candidates nominated therefor.

The crosses here shown shall be omitted, and in the place of the names of candidates here shown there shall appear the names of the candidates actually nominated therefor.

When there are not more than two candidates for any office, the ballot with respect to such office shall provide first choice column only.

When there are three and no more candidates for any office, the ballot with respect to such office shall provide first and second choice columns only.

When there are four or more candidates for any office, the ballots shall provide first, second and third choice columns.

The form of ballot shall be substantially as follows:

Regular (or Special) Election.

City of Norwood Date.....

INSTRUCTIONS TO VOTERS.

To vote for any candidate mark a cross (X) in the square in the appropriate column to the right of name.

CHARTER OF THE CITY OF NORWOOD.

Vote your first choice in the first column.

Vote your second choice in the second column.

Vote your third choice in the third column.

Second and third choices are not compulsory.

Do not vote more than one choice for the same candidate.

If you wrongly mark or deface this ballot, return it and obtain another.

Commissioner of Public Affairs	(One to be elected)		
	1st Choice	2nd Choice	3rd Choice
JOHN DOE		X	
RICHARD ROE			
ROBERT LEE	X		
JAMES HENRY			X

Commissioner of Public Service	(One to be elected)		
	1st Choice	2nd Choice	3rd Choice
THOMAS JONES	X		
EDWARD SMITH			X
WILLIAM THOMAS		X	
HARRY EVANS			

Commissioner of Ac- counts and Supplies	(One to be elected)		
	1st Choice	2nd Choice	3rd Choice
H. L. JAMES			X
C. R. JACKSON			
T. C. FREE	X		
A. J. MANNING,			
X. Y. TURNER		X	

SECTION 7. One space shall be left below the printed names of the candidates for each office to be voted for, wherein the voter may write the name of any person for whom he may wish to vote.

SECTION 8. *Separate Ballots.*—All amendments, ordinances and referendum propositions shall be submitted on separate ballots.

SECTION 9. *Rotation of Names of Candidates on Ballots.*—The names of candidates on such ballots shall be printed in rotation, as follows: The ballot shall be printed in as many series as there are candidates for the office for which there is the greatest number of candidates. The whole number of ballots to be printed shall be divided by the number of series, and the quotient so obtained shall be the number of ballots in each series. In printing the first series of ballots the names of candidates for each office shall be arranged in alphabetical order under the title thereof. After printing the first series, the first name in each list of candidates for the various offices shall be placed last in such list and the next series printed, and the process shall be so repeated until each name in the largest list of candidates shall have been printed first an equal number of times. The ballots so printed shall then be combined in tablets, so as to have the fewest possible ballots having the same order of names printed thereon together in the same tablet.

SECTION 10. *Counting Votes.*—As soon as the polls are closed the precinct election officers shall count the ballots and enter the total number thereof on the tally sheets provided therefor. They shall then count and enter on such tally sheet the number of first choice, second choice and third choice votes for each candidate, and make return thereof to the election authorities as provided by general law.

SECTION 11. If a ballot contain more than one vote for the same candidate, only one such vote highest in rank shall be counted; or if a ballot contain more than one vote for any one choice the vote as to such choice shall not be counted; otherwise all choices shall be counted as marked (X) upon the ballots.

SECTION 12. Any candidate receiving a majority of first choice votes for any office shall be elected. If no candidate receive a majority of the first choice votes for such office, the second choice votes received by each candidate for such office shall then be added to the first choice votes for each such candidate, and the candidate receiving the highest number of said first choice and second choice votes combined, if such votes constitute a majority of the votes cast, shall be elected. If no candidate receive a majority by adding the first choice and second choice votes, as above directed, the third choice votes received by each candidate for such office shall then be added to the combined first choice and second choice votes

received by each such candidate, and the candidate receiving the highest number of first choice, second choice and third choice votes combined, shall be elected to such office.

SECTION 13. A tie between two or more candidates shall be decided in favor of the candidate having the highest number of first choice votes. If they are also equal in that respect, then the highest number of second choice votes shall determine the result. If this does not decide, then the tie shall be determined by lot, under the direction of the election authorities, as provided by general law. Whenever the word "majority" is used in the preceding section, it shall mean more than one-half of the total number of first choice votes cast at such election for the office in question.

SECTION 14. *Regular and Special Elections.*—A regular municipal election shall be held on the first Tuesday after the first Monday in November, 1913, and on the first Tuesday after the first Monday in November in each second year thereafter, and shall be known as regular municipal elections. All other elections held under the provisions of this charter shall be known as special municipal elections.

SECTION 15. All elections shall be conducted and the results canvassed and announced by the election authorities prescribed by general law, and, except as otherwise provided herein, the general law shall control in all such elections.

Recall.

SECTION 16. *Recall Elections.*—Any elective officer provided for in this charter may be removed from office by the qualified voters of the municipality. The procedure to effect such removal shall be as follows: A petition, demanding that the question of removing such officer be submitted to the qualified electors and demanding the election of a successor to the person sought to be removed, shall be addressed to the Council and filed with the clerk. Such recall petition shall consist of separate petition papers of uniform size and shall be signed by qualified electors equal in number to at least twenty-five per cent of the total vote cast at the last preceding regular municipal election. Such petition shall contain a general statement in not more than 200 words of the grounds upon which the removal is sought.

SECTION 17. Petition papers shall be procured only from the city clerk, who shall keep a sufficient number of such blank petition papers on file. Each signer shall sign his name in ink or indelible pencil, and shall

also write thereafter the place of his residence by street and number and the date of his signing. Each petition paper shall contain an affidavit of the circulator, stating that he circulated such petition paper and that each signature appended thereto was made in his presence and is the signature of the person whose name it purports to be.

SECTION 18. All petition papers comprising a recall petition shall be assembled as one instrument and filed with the city clerk. Within ten days from date of the filing of such petition, the clerk shall make an examination thereof and attach a certificate showing the number of votes cast at the last regular municipal election and the number of qualified electors signing such petition, and shall present the petition and certificate to the Council.

SECTION 19. If such recall petition be insufficient it may be amended within twenty-five days after the filing of the original petition with the clerk by filing additional petition papers, signed and filed as provided herein for the original petition. The clerk shall, within ten days after such amended petition is filed, make a like examination and certificate as upon the original petition and present the same to the Council. If the amended petition be insufficient it shall be returned to the person filing it.

If the petition or the amended petition be sufficient, the clerk at once shall notify the officer or officers sought to be recalled. If the officer or officers whose removal is being sought shall not resign within five days after such notice, the Council shall thereupon order and fix a date for the holding of a recall election. Any such election shall be held not less than thirty days or more than forty days after the notification of the officer or officers sought to be recalled.

SECTION 20. The nomination of candidates to succeed any officer or officers sought to be removed shall be made in the manner provided in Section 3 of this charter, by filing with the election authorities, at least 20 days prior to the holding of such recall election, a nomination petition signed by qualified electors equal in number to at least ten per cent of the total vote cast at the last preceding regular municipal election. Any person so nominated shall file his acceptance with the election authorities at least 20 days prior to such election; and in the absence of such acceptance his name shall not appear upon the ballot.

SECTION 21. The form of ballots used in recall elections, the method of marking and counting such ballots, and determining the results at such elections, shall conform in all particulars to the provisions of this charter, relating to all municipal elections.

SECTION 22. The ballot at such recall election shall conform to the following requirements: With respect to each person whose removal is sought the question shall be submitted, "Shall (name of person) be removed from the office of (name of office) by recall?" Immediately following each such question there shall be printed on the ballot the two propositions in the order set forth:

"For the recall of (name of person)."

☐

"Against the recall of (name of person)."

☐

Immediately to the right of the proposition shall be placed a square, in which the electors, by making a cross (X) mark, may vote for or against either of such propositions. Under such questions shall be placed the name of candidates nominated to succeed the officer or officers sought to be recalled.

The name of the officer or officers whose removal is sought shall not appear on the ballot as a candidate or candidates to succeed himself or themselves.

SECTION 23. In any such election, if a majority of the vote cast on the question of removal is affirmative, the person or persons whose removal is sought shall thereupon be deemed removed from office upon the announcement of the official canvass of that election. The successor of any person so removed shall hold office during the unexpired term of his predecessor. The question of the removal of any officer shall not be submitted to the electors until he shall have served for at least six months of the term during which he is sought to be recalled.

If, at any such recall election, the incumbent whose removal is sought is not recalled, he shall be repaid from the city treasury his actual and legitimate expenses for such election, but such sum shall not exceed fifty per cent of the sum which he is by law permitted to expend as a candidate at any regular municipal election.

Elective Officers.

SECTION 24. *Commissioners.*—The elective officers of this city shall consist of three Commissioners—a Commissioner of Public Affairs, a Commissioner of Public Service, and a Commissioner of Accounts and Supplies—each of whom shall be elected at large by the qualified electors of the city, and each shall have charge of one department, as indicated by his official title.

SECTION 25. *Terms.*—The terms of all elective officers shall commence at 8 o'clock A. M. on the first day of January, following the

regular municipal election, and shall be for four years each; provided, however, that the office of Commissioner of Public Affairs first elected under this charter, shall be for two years only, so that his successor shall be elected at the regular municipal election of 1915, and every four years thereafter, and the election of the other two Commissioners shall first be at the regular municipal election in 1913, and every four years thereafter.

SECTION 26. *Salaries.*—Each Commissioner shall receive a salary of twenty-five hundred (\$2,500.00) dollars per annum, payable in equal monthly installments. The salary of such Commissioner can only be changed by ordinance submitted to a vote of the qualified electors of this city at any regular municipal election.

SECTION 27. *Qualifications.*—Commissioners shall be electors of the municipality. They shall not hold any other public office or employment, except that of notary public or member of the state militia, and shall not be interested in the profits or emoluments of any contract, job, work, or service of the municipality. Any Commissioner who shall cease to possess any of the qualifications herein required shall forthwith forfeit his office, and any such contract in which any Commissioner is or may become interested may be declared void by the Council.

SECTION 28. *Vacancies.*—The office of any Commissioner shall be deemed vacant in case of resignation, removal from office, removal from the city, continuous absence from the city without leave as provided in this charter, conviction of felony, or by reason of his death. Any vacancy shall be filled by Council for the remainder of the unexpired term. If the term of a Commissioner whose place becomes vacant does not expire on the first day of January following the next regular municipal election, then such person chosen by Council shall serve only until such regular municipal election, at which time a Commissioner shall be elected to fill the remainder of the unexpired term. When a vacancy occurs as a result of a recall election, such vacancy shall be filled in the manner provided for in such case.

The Executive.

SECTION 29. *Powers and Duties.*—The Commissioner of Public Affairs shall be the chief executive officer of the city and shall be mayor ex officio. He shall be chairman of the Council, and shall preside at all meetings.

(a) He shall enforce the laws of the State, the provisions of this Charter, and the ordinances of the city. He shall have power to administer oaths.

(b) He shall sign all contracts, bonds, or other instruments requiring the assent of the city, and shall see that the same are duly performed.

(c) He shall have such other rights and powers as may be provided by ordinances not in conflict with this Charter.

(d) During the absence or disability of the Commissioner of Public Affairs, the vice-chairman of Council shall act as the chief executive officer, mayor ex officio, of the city.

Council and Legislation.

SECTION 30. *Legislative Powers.*—The Council shall consist of all the elective officers of the city, and shall, except as otherwise provided by this charter, be vested with all the legislative powers of the city.

SECTION 31. *Organization.*—At 10 o'clock A. M. on the first day of January, following the regular municipal election, the Commissioners shall meet in the Council chamber in the City Building, at which time the newly elected Commissioners shall assume the duties of their respective offices. The Commissioner of Public Affairs shall be the chairman of Council. The Council shall then organize and elect one of their number vice-chairman. Council shall determine its own rules and order of business and shall keep a journal of its proceedings.

SECTION 32. *Meetings.*—The Council shall meet on the first and third Monday evenings of each month in regular session at 8 o'clock P. M. at their regular meeting place. If, however, one or either of said meetings shall fall on a date declared as a holiday by the laws of this State, then said meeting shall be held on the next succeeding business day at the same hour and place. Upon the request of the chairman or any two members, special sessions of the Council shall be called by the clerk. Any such request shall state the subject to be considered at such special meeting and no other subject shall be considered. All meetings of the Council or committees thereof shall be public, and any citizen of the municipality shall have access to the minutes and records thereof at all reasonable times.

For each absence from regular or special meetings of the Council, unless authorized by two-thirds vote of all members thereof, there shall be deducted a sum of one per cent of the annual salary of such officer. When such absence is authorized by Council, the clerk shall enter upon the records the reason therefor.

SECTION 33. *Voting Power.*—Each Commissioner shall be entitled to a vote. The Commissioner of Public Affairs shall not have any veto power.

SECTION 34. *Legislative Procedure.*—A majority of all members of the Council shall constitute a quorum to do business, but a less number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members of the Council shall be necessary to adopt any ordinance or resolution, and on the passage of every ordinance or resolution the vote shall be taken by “Yeas” and “Nays” and entered upon the journal. Every ordinance or resolution passed by the Council shall be signed by the chairman or two members of Council, and shall be filed with the clerk within two days, and by him recorded in a book for that purpose.

SECTION 35. *Legislative Enactment.*—Each proposed ordinance or resolution shall be in written or printed form, and shall not contain more than one subject, which shall be clearly stated in the title; provided, however, that general appropriation ordinances may contain the various subjects and accounts for which moneys may be appropriated. The enacting clause of all ordinances passed by Council shall be, “Be it ordained by the Council of the City of Norwood.” The enacting clause of all ordinances submitted by the initiative shall be, “Be it ordained by the people of the City of Norwood.”

No ordinance, unless it be declared an emergency measure, shall be passed until it has been read on three separate days, the first and second reading of which shall be by title only, and on the third reading the ordinance shall be read in full unless said ordinance shall have been written or printed and a copy thereof placed on the desk of each member, then said third reading may be by title only.

Amendments and repeals of ordinances or sections thereof shall be by ordinance. An amending ordinance shall contain the entire ordinance or section amended.

No ordinance which has been passed by the Council upon petition, or adopted by popular vote, under the provisions of this charter, shall be repealed or amended except by popular vote.

SECTION 36. *Submission by Council.*—The Council of its own motion, may submit to popular vote for adoption or rejection at any election any proposed ordinance or measure in the same manner and with the same force and effect as provided in this charter for their submission on petition. The ballots used when voting upon such proposed or referred ordinances of Council shall be the same as the ballots used for the initiative and referendum as provided in this charter. If a majority of the qualified voters voting on any such proposed ordinance or measure

shall vote in favor thereof, the same shall thereupon, or at any time fixed therein, become effective as a law or as a mandatory order to the Council.

SECTION 37. *Emergency Ordinances.*—All ordinances and resolutions shall be in effect from and after thirty (30) days from the date of their passage, except as otherwise provided in this charter. An emergency measure shall take effect upon its passage. An emergency measure is an ordinance or resolution for the immediate preservation of the public health, peace, property, safety and welfare, and when such an emergency occurs the necessity which occasions said emergency shall be stated in the ordinance or resolution.

Ordinances or resolutions passed as emergency measures shall be subject to the referendum in like manner as other ordinances and resolutions, except that they shall go into effect at the time indicated in such ordinances or resolutions. If when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed as regards any further action thereunder; but such measure so repealed shall be deemed sufficient authority for payment in accordance with the ordinance of any expense incurred previous to the referendum vote thereon.

SECTION 38. *Contractual Powers.*—The Council shall have no power to make any contract of any kind or nature whatsoever, or to make any lease of municipal property, the operation of which will extend beyond the time of the installation of the new Commissioner or Commissioners elected at any regular municipal election; nor shall it have any power to sell, exchange, abandon, grant or otherwise dispose of any title or right of the municipality to any franchise, right-of-way, street, avenue, alley or any real estate, all such powers being reserved to the people, and to be exercised only by the qualified voters at any regular or special municipal election.

SECTION 39. *Annual Tax Ordinances.*—An annual tax ordinance to determine the amount of the tax levy shall be prepared by the Commissioner of Accounts and Supplies, under the direction of the Council. For the purpose of preparing such ordinances the Commissioner of Accounts and Supplies shall require from the head of each office or department for which appropriations are made, a detailed statement, upon uniform blanks furnished by the Commissioner of Accounts and Supplies, of the expenses of such office or department for the previous year or years and the estimated expense for the next year. The tax ordinance prepared by the Commissioner of Accounts and Supplies shall set forth in detail the probable revenues of the municipality from every source,

in such form as to indicate the means by which it is proposed to provide for the estimated expenditures set forth in such ordinance, and shall also include detailed statements of the contemplated expenditures of the municipality and of each office, department and functional division thereof.

After the tax ordinance is prepared by the Commissioner of Accounts and Supplies, opportunity shall be given, after ten days' notice, for public hearings thereon. The ordinance shall then be submitted to the Council and by them to the county budget commission, which shall fix the total maximum tax levy permitted to the municipality for the ensuing year. The Council shall then fix the actual tax levy for the ensuing year, but such levy shall not be higher than the estimate submitted by the Commissioner of Accounts and Supplies or exceed the limit fixed by the county budget commission. *Such levy shall not be higher than the maximum rate provided by law.*

SECTION 40. *Annual Appropriation Ordinance.*—An annual appropriation ordinance shall be prepared by the Council from estimates submitted by the Commissioner of Accounts and Supplies, in the same manner as herein provided for the annual tax ordinance. The annual appropriation ordinance shall be submitted to the Council at its first meeting in January, and the total of any appropriation ordinance passed by the Council shall not exceed the total balances carried over from the previous year, plus the estimated revenue of the current year.

SECTION 41. *Transfer of Funds.*—The Council may at any time transfer money appropriated for the use of one department or purpose to any other department or purpose.

SECTION 42. Any accruing revenue of the city, not appropriated as hereinbefore provided, and any balances at any time remaining after the purposes of the appropriation shall have been satisfied or abandoned, may from time to time be appropriated by the Council to such uses as will not conflict with any uses for which specifically such revenues accrued.

SECTION 43. *Limitation on Appropriations.*—No money shall be drawn from the treasury of the municipality, nor shall any obligation for the expenditure be incurred, except in pursuance of appropriations made by the Council, and whenever an appropriation is so made the clerk shall forthwith give notice to the Commissioner of Accounts and Supplies. Appropriations may be made in furtherance of improvements or other objects or work of the municipality which will not be completed within

the current year. At the end of each year all unexpended balances of appropriations shall revert to the respective funds from which the same were appropriated and shall then be subject to future appropriations.

SECTION 44. *Investigations by Council.*—The Council or any committee thereof authorized by it so to do shall have power to compel the attendance of witnesses and the production of books, papers and other evidence, at any meeting of the Council, or any committee thereof, and for that purpose may issue subpoenas or attachments in any case of inquiry or investigation, to be signed by the chairman of the Council, or chairman of such committee, as the case may be, which shall be served and executed by any officer authorized by law to serve subpoenas and other processes, and if any witness shall refuse to testify to any acts within his knowledge, or to produce any papers or books in his possession, or under his control, relating to the matter under inquiry, before the Council or any such committee, the Council shall have power to commit the witness to prison for contempt. No witness shall be excused from testifying touching his knowledge of the matter under investigation in any such inquiry, but such testimony shall not be used against him in any criminal prosecution except for perjury.

SECTION 45. *Reports of Council—Publicity.*—At the end of each year the Council shall have printed an annual report, in pamphlet form, giving a classified statement of all receipts, expenditures, assets and liabilities of the municipality; a detailed comparison of such receipts and expenditures with those of the preceding year; a summary of the Council proceedings and a summary of the operations of the administrative departments for the previous twelve months. A copy of this report shall be furnished to the state bureau of accounting, the municipal library, and to any citizen of the municipality who shall apply therefor at the office of the clerk. Similar reports may be printed quarterly at the discretion of the Council.

SECTION 46. *Publication of Ordinances.*—Ordinances and resolutions of a general nature, or providing for public improvements, or assessing property, shall, upon passage, be promptly published one time in not more than one newspaper of general circulation in the municipality. All advertisements for bids and all notices and proclamations required by general law to be published shall be published not more than two times in one newspaper of general circulation in the municipality. All such ordinances, resolutions, advertisements for bids, notices and proclamations required by general law to be published, shall be printed in 6-point type,

under headlines in 12-point type. On the tenth day of December of each year, or within thirty days thereafter, Council shall receive bids for all legal advertising provided for in this section for the following year, and shall award the same to the lowest bidder; providing, however, that in no case shall a newspaper be paid more than fifty cents a square. A square shall be a space occupied by two hundred and forty ems of 6-point type. All such type shall be set up in compact form, without unnecessary spaces, blanks or headlines. If no bids are received, or if all bids received are higher than fifty cents per square, all such ordinances, resolutions, etc., shall be posted in at least ten conspicuous places in the municipality. In case of posting such ordinances and resolutions, it shall only be necessary to give the number, title and substance of such ordinances and resolutions.

Initiative.

SECTION 47. Any proposed ordinance may be submitted to the Council by a petition signed by qualified electors equal in number to at least 10 per cent of the total vote cast at the last general municipal election. The initiative petition shall consist of separate petition papers of uniform size and shall contain the proposed ordinance in full.

The signatures, affidavit of the circulator, filing, examination and certificate by the clerk, amendment of such petition and the sufficiency thereof shall be the same as provided for petitions under Sections 17, 18 and 19 of this charter.

SECTION 48. If the petition be sufficient, the clerk shall submit the proposed ordinance to Council at its next regular meeting. Council shall thereupon proceed to consider said ordinance and shall take final action thereon within thirty (30) days after receiving such proposed ordinance. If Council pass the ordinance in a form different from that set forth in the petition or amended petition, such petition or amended petition may be withdrawn within ten (10) days thereafter. If Council reject such proposed ordinance, or if Council pass such ordinance in a form different from that set forth in the petition or amended petition, and the petition or the amended petition is not withdrawn within ten (10) days thereafter, such ordinance shall be submitted to a vote of the electors. If an election is to be held not more than six months nor less than thirty days after the rejection of the ordinance by the Council, such proposed ordinance shall then be submitted to a vote of the electors. If no election is to be held within the time aforesaid, the Council shall provide for submitting the proposed ordinance to the electors at a special election. If a supplemental petition, signed by an additional five per cent of the electors, in addition to those signing the original or amended petition, be filed with

the clerk, asking that the proposed ordinance be submitted to the voters at a time indicated by the supplemental petition, the Council shall provide for a special election at such time. The sufficiency of any such supplemental petition shall be determined, and it may be amended, in the manner provided for original petitions for proposing ordinances to the Council.

SECTION 49. Ballots when used for voting on such proposed ordinance shall state the title of the ordinance to be voted on and below it the two propositions, "For the ordinance" and "Against the ordinance." Immediately at the left of each proposition there shall be a square in which by making a cross (X) the voter may vote for or against the proposed ordinance. If a majority of those voting on such proposed ordinance shall vote in favor thereof it shall thereupon become an ordinance of the city, and any ordinance passed by Council as a substitute for such proposed ordinance shall be deemed repealed.

SECTION 50. *Direct Legislation—When Effective.*—Ordinances adopted by the electors of the city shall take effect at the time fixed therein, or if no such time is designated therein, at the date of the adoption thereof.

SECTION 51. *Conflicting Ordinances.*—If the provisions of two or more ordinances approved at the same election are in conflict or inconsistent, the ordinance receiving the highest affirmative vote shall prevail.

Referendum.

SECTION 52. No ordinance passed by Council, unless it be an emergency measure, shall go into effect until thirty days after its final passage by Council. If, at any time within said thirty days, a petition signed by qualified electors equal in number to at least ten per cent of the total vote cast at the last general municipal election, be filed with the city clerk requesting that any such ordinance be repealed or submitted to a vote of the electors, it shall not become operative until the steps indicated herein shall have been taken. The provisions of Section 47 of this charter shall apply to all referendum petitions.

SECTION 53. When such a petition is filed with the city clerk, he shall make like examination and certificate thereof at such time and in such manner as provided in Sections 18 and 19 in this charter for recall petitions. If the petition be sufficient or be rendered sufficient by amendment in the manner provided in this charter for amending initiative petitions, the city clerk shall submit such petition or amended petition

to the Council, which body shall thereupon proceed to reconsider the ordinance. If the ordinance be not entirely repealed, the Council shall provide for submitting it to a vote of the electors, and in so doing the Council shall be governed by the provisions of Sections 48 and 49 of this charter, respecting the time of submission and manner of voting on ordinances proposed to Council by petition. If, when submitted to a vote of the electors, any such ordinance be not approved by a majority of those voting thereon, it shall be deemed repealed.

SECTION 54. *Preliminary Action.*—In case a petition be filed requiring that a measure passed by the Council providing for an expenditure of money, a bond issue, or a public improvement be submitted to a vote of the electors, all steps preliminary to such actual expenditure, actual issuance of bonds, or actual execution of a contract for such improvement, may be taken prior to the election.

SECTION 55. Referendum petitions need not contain the text of the ordinances, the repeal of which is sought, but they shall be subject in all other respects to the requirements for petitions submitting proposed ordinances to the Council. Ballots used in the referendum elections shall conform in all respects to those provided for in Section 49 of this charter.

SECTION 56. *Submitted Ordinances.*—Ordinances submitted to the Council by initiative petition and passed by the Council without change, or passed in an amended form, shall be subject to the referendum in the same manner as other ordinances.

Executive and Administrative Powers.

SECTION 57. The executive and administrative powers, authority and duties of this municipality shall be distributed among three departments, as follows:

1. Department of Public Affairs.
2. Department of Public Service.
3. Department of Accounts and Supplies.

Department of Public Affairs.

SECTION 58. *Commissioner of Public Affairs.*—The Commissioner of Public Affairs shall be the chief executive officer, mayor ex officio, of the city. He shall have charge of the police, fire, health, charities and corrections, building inspection, smoke prevention, civic beauty, public amusements and entertainments, and inspection of weights and measures. He shall have all powers and authority granted by any general law heretofore

vested in boards or officers having authority over police, fire, health, charity and corrections, and building inspection. He shall make such rules and regulations as are necessary and proper for the conditional release and return of all prisoners confined in any penal institution for infraction of the laws and ordinances of the municipality. He shall have general supervision over all public utilities not owned or managed directly by the city. He shall have such judicial power as is conferred upon the mayor in cities not having a police court, by the General Code of Ohio.

Department of Public Service.

SECTION 59. *Commissioner of Public Service.*—The Commissioner of Public Service shall have the care, management, construction and improvement of all public ways, grounds, cemeteries, buildings, sewers and structures of every kind, except buildings and structures used in connection with the work to be performed under the direction of the Commissioner of Public Affairs. He shall have charge of the cleaning, sprinkling, lighting of streets and public places; the collection and disposal of waste; the preservation of contracts, paper, plans, tools, and appliances belonging to the city and pertaining to the functions of the department; of the making and preserving of survey maps, plans, drawings and estimates relating to the public work under charge of the department and all matters and things in any way relative to or affecting the highways, footways, viaducts and bridges within the municipality; and he shall exercise the power heretofore vested in the city engineer, platting commission, street commission or other board or officers relating to the work herein committed to the care and management of the Commissioner of Public Service. He shall further have the care, management, construction and improvement of all utilities owned or operated by the city. He shall have charge of the water works, lighting system, parks, playgrounds, and all other property of every description and kind, except that given to the care and management of the Commissioner of Public Affairs.

Department of Accounts and Supplies.

SECTION 60. *Commissioner of Accounts and Supplies.*—The Commissioner of Accounts and Supplies shall keep an accurate account of all taxes and assessments, and all moneys due to and all receipts and disbursements by the municipality; of all assets and liabilities of the municipality; and all appropriations made by the Council. He shall at the end of each fiscal year, and oftener if required by Council, audit the accounts of the several departments and officers, and shall audit all other accounts in which the municipality is interested. He shall prescribe the form of

reports to be rendered to his department, and the method of keeping accounts by all other departments, and he shall require daily reports to be made to him by each department and the disposition thereof. He shall have charge of all meter readings and inspections and he shall receive and collect all money due the municipality from any source. The Commissioner of Accounts and Supplies shall, upon the death, resignation, removal or expiration of the term of any officer, audit the accounts of such officer, and if such officer shall be found indebted to the municipality he shall give notice thereof to the Council and City Attorney, and the latter shall forthwith proceed to collect the same. In any event, at the completion of the term of any Commissioner, he shall report his audit in writing to Council, which shall be spread upon the record by the clerk.

SECTION 61. *Audit of Commissioner of Accounts and Supplies Office.*—Council shall accept and spread upon its record the report of the State Accounting Department relative to condition of accounts in the office of the Commissioner of Accounts and Supplies, and if any indebtedness is found the chairman of Council shall give notice thereof to the Council and the City Attorney, and the latter shall forthwith proceed to collect the same.

SECTION 62. *Payment of Claims.*—No warrant for the payment of any claim shall be issued by the Commissioner of Accounts and Supplies until such claim shall have been approved by the department commissioner for which the indebtedness was incurred, and each Commissioner and his surety shall be liable to the municipality for all loss or damage sustained by the municipality by reason of the neglect or corrupt approval of any claim against the municipality in his department. Whenever any claim shall be presented to the Commissioner of Accounts and Supplies he shall have power to require evidence that the amount claimed is justly due and is in conformity to law and ordinance, and for that purpose he may summon before him any officer, agent or employee of any department of the municipality, or any other person, and examine him upon oath or affirmation thereto, which oath or affirmation he may administer.

SECTION 63. *Purchasing Division.*—The Commissioner of Accounts and Supplies shall, in manner provided by ordinance, purchase all supplies for the city, sell all personal property of the city not needed or that may have been condemned as useless by any Commissioner. He shall have charge of such storerooms and storehouses of the city as may be provided by ordinance, in which shall be stored all supplies and materials purchased by the city and not delivered directly to the various departments, and he shall inspect all supplies delivered to determine the

quality and quantity and conformance with the specifications, and no voucher shall be honored unless the accompanying invoice shall have been approved.

Before making any purchase or sale, the Commissioner of Accounts and Supplies shall give opportunity for competition under such rules and regulations as Council shall establish. In case of any purchase of more than \$500.00 he shall receive sealed bids, which bids shall be opened by Council in open session. All requisitions, correspondence and competitive bids shall be kept on file in the office of the Commissioner of Accounts and Supplies.

He shall procure supplies for any Commissioner upon requisition therefor. Such requisition shall be in writing, shall state the quality, quantity, and kind of material and supplies required, and the probable cost thereof, in detail if known. In case of emergency, where the estimated cost exceeds two hundred dollars, such requisition shall have the endorsement of one other Commissioner. If no emergency exists, a requisition for supplies, the estimated cost of which is above one hundred dollars, shall first be approved by Council.

SECTION 64. *Other Powers and Duties.*—Said Commissioners shall have such other rights, powers and duties as may be provided by ordinance not in conflict with the provisions of this charter.

Whenever a difference of opinion shall arise as to what department embraces a particular work or matter, either because the same is not herein specially provided for or because of the difference of opinion as to the proper construction of the foregoing sections, the question shall be determined by Council in regular session, and its conclusion shall be final and binding.

SECTION 65. *Disability or Absence.*—Any Commissioner may be granted leave of absence by Council. In the event of the temporary disability or absence of any Commissioner by leave, Council may designate some suitable person in the department of such Commissioner to perform his duties during his disability or absence.

SECTION 66. *Publicity.*—Each of said Commissioners shall keep a record book in which shall be recorded a brief but comprehensive record of all department affairs under his charge as soon as performed, and shall quarterly render to the City Council a full report of all operations of such department, and shall annually, and oftener if required by the City Council, make a synopsis thereof for publication. All such records shall be kept open for public inspection. The Council shall provide for the publication of such annual or other reports, and of such portion of the

quarterly reports as it may deem advisable. Each Commissioner shall also make and keep a complete inventory and permanent record of all the personal property of his department and what disposition, if any, has been made of the same.

SECTION 67. *Department of Employees.*—Each department shall be entitled to such salaried employees as may be authorized by ordinance. The head of each department shall nominate all such employees therein, but their appointments shall be made by the City Council, subject to Sections 74 and 75 of this charter. Each Commissioner shall have the power of selecting and employing the day laborers necessary for his department. Any and all employees in any department shall be subject to discharge by the Commissioner at the head of that department at any time. The City Council shall determine the number of such employees in any department and shall also have like power of discharging them, or any of them, or may require any employee in any department to perform duties in two or more departments, or may make such rules and regulations as they shall deem necessary or proper for the efficient and economical conduct of the business of the city. The salary or wages of any employee of the city shall cease immediately upon his discharge from such employment.

SECTION 68. *Office Hours.*—It shall be the duty of each Commissioner to maintain regular office hours at the City Hall, and he shall give his whole time and attention to and engage in the actual work of the city affairs during business hours. At all times when not engaged in office work he shall take the active management and control as superintendent and director of the affairs of his department, and shall be responsible for the full and complete discharge thereof.

Officers and Employees.

SECTION 69. *Officers—Employees.*—The elective officers shall be the only officers of the city. All other persons in the service of the city, or any commission, or board thereof, are hereby declared to be employees, and subject to removal by the Council at any time, and without cause except as otherwise provided in this charter.

SECTION 70. *City Attorney.*—The City Attorney shall be appointed by the Council. He shall be a member of the bar of the State of Ohio, and shall have practiced law within the State of Ohio not less than five years next preceding his appointment. He shall act as the legal adviser to and attorney and counsel for the municipality, and for all officers in

the matters relating to their official duties. He shall prepare all contracts, bonds and other instruments in writing in which the municipality is concerned, and shall endorse on each his approval of the form and correctness thereof, and no contract with the municipality shall take effect until the approval of the City Attorney is endorsed thereon. He shall be the prosecutor of police court, and shall perform such other duties as may be provided by ordinances. He shall keep a docket and record of all cases and of the proceedings therein; shall keep copies of all official communications, and shall deliver the same to his successor in office.

In addition to the duties imposed upon the City Attorney by this charter, or required of him by ordinance, he shall perform the duties which are imposed upon city solicitors by the general law of the State, beyond the competence of this charter to alter or require.

Salary.—The salary of the City Attorney shall be Fifteen Hundred (\$1,500) Dollars per annum, payable in equal monthly installments.

Special Counsel.—The Council at any time may employ other or special counsel to take charge of special matters, or to assist the City Attorney.

SECTION 71. *Clerk-Treasurer.*—The Clerk of Council shall be appointed by the Council. He shall keep a complete record of Council proceedings, which record shall be open to the public at all times, and he shall perform such other duties for Council as may be required of him by ordinance or otherwise. He shall certify all accounts ordered paid by the Council; be custodian of the official seal of the city, and affix the same to all documents when authorized so to do.

Treasurer.—The Clerk of Council, in connection with his duties as such, shall act as treasurer of the city. He shall be the custodian of all moneys of the municipality, and shall keep and preserve the same in such manner and in such places as shall be determined by the Council. He shall pay out money only on warrants issued by the Commissioner of Accounts and Supplies.

Salary of Clerk-Treasurer.—The salary of the Clerk-Treasurer shall be Fifteen Hundred (\$1,500) Dollars per annum, payable in equal monthly installments.

Sinking Fund Commission.

SECTION 72. A Sinking Fund Commission shall be appointed. The commission shall consist of the Commissioner of Accounts and Supplies, who shall be the secretary of the commission, and two other qualified electors of the municipality appointed by Council. The commission shall

manage and control the sinking fund in the manner provided by general law. The bond of the members of the Sinking Fund Commission shall be fixed by Council. The Sinking Fund Commissioners shall serve without salary.

Civil Service Commission.

SECTION 73. *Commissioners.*—The Council shall appoint three electors of the city as a Civil Service Commission. The members of the existing Civil Service Commission shall continue in office for the terms for which they were appointed, and their successors shall be appointed to serve, respectively, for two years, four years, and six years. Thereafter the members of the Civil Service Commission shall be appointed to serve for six years. All vacancies shall be filled by Council for the unexpired term. The Council may at any time remove any of said Civil Service Commissioners for misconduct, neglect of duty or malfeasance in office, having first given to such commissioner a copy of the charges against him and an opportunity of being publicly heard, in person or by counsel, in his own defense; and any such removal shall be final. Council shall provide suitable rooms and all necessary supplies and equipment for the proper conduct of the duties of the Civil Service Commission.

SECTION 74. *Salaries and Duties.*—The salaries of the Civil Service Commissioners shall be determined by ordinance. The duties of the Civil Service Commission shall be to prescribe and enforce rules and regulations for the classified service of the city, to provide for holding examinations for applicants and keep a record of the same. The classified service of the city shall comprise all positions except the elective officers, Clerk-Treasurer, City Attorney, all heads of divisions of the various departments and day laborers.

It shall be the duty of the Civil Service Commission to make investigations concerning the enforcement and effect of the civil service provisions and rules and to extend the merit system to all positions in the classified service of the city. In any investigation conducted by the commission it shall have power to subpoena and require the attendance of witnesses and the production of books and papers pertinent to the investigation and to administer oaths to witnesses.

SECTION 75. When a position in the classified service is to be filled the appointing authority shall notify the commission of that fact, and the commission shall certify to such authority the names and addresses of the three candidates standing highest on the eligible list for the class or grade to which such position belongs. The appointing authority shall appoint one of the three persons certified to him to such position. If the eligible

list contain less than three names the entire list shall be certified to the appointing authority, who shall appoint one for such position. If there is no eligible list the commission shall immediately hold an examination to provide such list.

SECTION 76. *Political Belief and Activity.*—No person in the classified service or seeking admission thereto, shall be appointed, discharged or in any way favored or discriminated against because of his political opinions or affiliations. No person in the classified service shall, directly or indirectly, solicit or receive any assessment, subscription or contribution for any political party or for any political purpose whatsoever, nor shall any such person actively engage in any political campaign or in any manner solicit votes. If upon investigation the Civil Service Commission find that any person has violated this section, such commission shall immediately discharge such person from the employment of the city.

Local Improvements.

SECTION 77. Council shall have power by ordinance to provide for the construction, reconstruction, repair and maintenance by contract or directly by the employment of labor and the purchase of materials, of all things in the nature of local improvements.

Franchises.

SECTION 78. No franchise or right to occupy or use the streets, highways, bridges or public places in this city shall ever be granted, renewed or extended except by ordinance, and every franchise or grant for interurban or street railways, gas or electric light or power plants, heating plants, telegraph or telephone system or other public service utilities within the city, must be authorized or approved by a majority vote of the electors of the city at a regular or special election.

SECTION 79. No exclusive or perpetual franchise shall ever be granted, and no franchise shall be renewed before one year prior to its expiration.

The grant of every franchise shall reserve to the municipality the right to make regulations for safety, welfare and accommodation of the public; to require adequate extensions of the service of such grant, and to regulate the rates, fares and rentals charged by the grantee.

Miscellaneous Provisions.

SECTION 80. *Moneys, Where Paid.*—All fees and perquisites authorized by law or ordinance pertaining to any office or officer in the municipal government shall be paid into the treasury, and unless otherwise provided

shall be credited to the general fund, and no officer or employee of the city shall receive otherwise than as the representative of the city and for the purpose of paying same into the treasury any fee, present, gift or emolument, or share therein, for official services, other than his regular salary or compensation, and any officer violating this prohibition shall thereby forfeit his office.

No member of Council or employee thereof shall receive compensation for services in any other department of the city government, nor shall act as agent or attorney for any person, company or corporation, in relation to any matter to be effected by action of the legislative or any other department of the municipality. The violation of this prohibition shall be cause for removal.

SECTION 81. *Deposit of Public Funds.*—The Council shall provide a depository or depositories for the placement of all moneys received by the Treasurer. Such depository shall be determined by the Council by advertising in a paper of general circulation for sealed bids, to be opened by Council in public session, for the deposit of public moneys for one year. Council shall then award said money to the highest and safest bidder and shall require a bond of good and sufficient security to save the municipality harmless from any and all loss.

SECTION 82. *Oath of Office.*—Every officer of the municipality before entering upon the duties of his office shall take and subscribe to an oath or affirmation, to be filed and kept in the office of the Clerk of Council, that he will support the Constitution of the United States and the State of Ohio, and the charter and ordinances of this municipality; that he will not be influenced by any consideration except that of merit and fitness in the appointment and discharge of employees; that he will not make or authorize the expenditure of public money otherwise than for adequate consideration and efficient service to the municipality; that he will in all other respects faithfully discharge the duties of his position or office.

SECTION 83. *Officers or Employees Not to be Interested in Contracts.*—No officer or employee of the city shall solicit or receive any pay, commission, money or thing of value, or derive any benefit, profit or advantage, directly or indirectly, from or by reason of any improvement, alteration or repair required by authority of the city, or any contract to which the city shall be a party, except his lawful compensation or salary as such officer or employee. No officer or employee of the city shall solicit, accept or receive, directly or indirectly, from any public service corporation, or

owner of any public utility franchise in this city, any pass, frank, free ticket, free service, or any other favor upon terms more favorable than those granted the public generally. A violation of any of the provisions of this section shall disqualify the offender to continue in office or employment and he shall be removed therefrom.

SECTION 84. *Bonds.*—Bonds of Officers and Approval Thereof.—Each Commissioner shall furnish and file with the Clerk of Council a good and sufficient bond for the faithful performance of their duties in the following amounts, to wit:

Commissioner of Public Affairs.....	\$1,000.00
Commissioner of Public Service.....	1,000.00
Commissioner of Accounts and Supplies.....	7,500.00

Any employee as the Council may determine by ordinance shall furnish and file like bonds in the amount fixed by such ordinance. The giving and the approval of the bond of every officer and employee required by ordinance to give bond shall be a necessary part of the qualification of such officer or employee. Upon approval by the Council, the city shall pay a reasonable premium to a surety company for the execution of any bond required by this charter or by ordinance.

The bonds of the elective officers and employees shall be approved by the Council. All bonds shall be approved, as to form, by the City Attorney.

SECTION 85. *Eight Hours on Public Work.*—Except in case of extraordinary emergencies, not to exceed eight hours shall constitute a day's work, and not to exceed forty-eight hours a week's work, for workmen engaged on any public work carried on or aided by the municipality, whether done by contract or otherwise. The Council shall, by ordinance, provide for the enforcement of the provisions of this section.

SECTION 86. *Continuation of Ordinances.*—Every ordinance or resolution in force at the time of the adoption of this charter, except so far as it is inconsistent with this charter, shall continue in force until it is amended or repealed.

All rights and obligations in favor of or against the city existing at the time of the adoption of this charter shall continue without modification.

SECTION 87. *Continuation of Existing Government.*—The government and offices existing prior to the adoption of this charter shall continue until the election and qualification of officers first elected under this charter in November, 1913.

For the purpose of nominating and electing officers and exercising the powers of the city as provided herein, this charter shall take effect from the time of its approval by the electors of the city; for all other purposes it shall take effect on the first day of January, 1914.

SECTION 88. The general law of the State shall control and govern in all cases wherein this charter makes no provision.

SECTION 89. *Amendments.*—Amendments to this charter may be submitted to the electors of the municipality by a two-thirds vote of the Council, and shall be submitted by the Council when a petition signed by 10 per cent of the electors of the municipality, setting forth any proposed amendment shall have been filed with the clerk. The ordinance providing for the submission of any such amendment shall be submitted to the electors at the next regular municipal election, if one shall occur not less than 60 days nor more than 120 days after its passage; otherwise it shall provide for the submission of the amendment at a special election to be called and held within the time aforesaid. Not less than thirty days prior to such election the Clerk of the Council shall mail a copy of the proposed amendment to each elector whose name appears upon the registration books of the last regular municipal election. If such proposed amendment be approved by a majority of the electors voting thereon it shall become a part of the charter at the time fixed therein.

SECTION 90. If any section or part of a section of this charter shall be held by any Court to be invalid or unconstitutional, such decision shall not be held to invalidate or impair the validity, force or effect of any other section or part of section of this charter, except the section or part of section so held invalid or unconstitutional.

Ed. Paul.

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The Ohio State University



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PROPOSED CHARTER FOR THE CITY OF NORWOOD

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THE OHIO STATE UNIVERSITY BOOK DEPOSITORY



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